

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	) ) MDL NO. 1456 ) Civil Action No. 01-12257-PBS ) Subcategory No. 07-12141
THIS DOCUMENT RELATES TO:	) ) Judge Patti B. Saris
<i>State of Iowa</i>	) )
v.	) )
<i>Abbott Laboratories Inc., et al.</i>	)

**OCTOBER 2009 STATUS REPORT FOR THE STATE OF IOWA**

The undersigned counsel for the State of Iowa (hereinafter referred to as “plaintiff”) hereby submits the attached Status Report for October 2009, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: October 1, 2009

Respectfully submitted,

**KIRBY McINERNEY, LLP**

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By: /s/ Joanne M. Cicala

Joanne M. Cicala  
Kathryn B. Allen

## **October 2009 Status Report for the State of Iowa**

### **Discovery**

#### **1. Defendants' First Set of Document Requests and First Set of Interrogatories**

On September 18, 2009, plaintiff engaged in a meet and confer with counsel for defendants regarding plaintiff's responses to Defendants' First Set of Document Requests and First Set of Interrogatories. Plaintiff agreed to begin a rolling supplemental production in response to certain requests on or before October 16, 2009.

#### **2. Teva Pharmaceuticals USA, Inc.'s First Set of Requests for Production and First Set of Interrogatories**

On September 23, 2009, plaintiff engaged in a meet and confer with counsel for defendant Teva Pharmaceuticals USA, Inc. ("Teva") regarding Teva's First Set of Requests for Production and First Set of Interrogatories. Plaintiff agreed to begin a rolling supplemental production in response to certain requests on or before October 16, 2009.

### **Hearing as to Outstanding Discovery Motions**

On September 14, 2009, Magistrate Judge Marianne B. Bowler heard oral arguments on plaintiff's Emergency Motion to Quash Defendant Purepac Pharmaceutical Co.'s Cross-Notice of Continued Videotaped Deposition of Lynn Donovan [Docket No. 6264, Sub-docket No. 41]. The Court took the parties' arguments under advisement, and has not yet entered an order. *See* Electronic Clerk's Notes for proceedings held before Magistrate Judge Marianne B. Bowler, entered September 21, 2009.

### **CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on the 1st day of October, 2009, she caused a true and correct copy of the above October 2009 Status Report for the State of Iowa to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: October 1, 2009

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